

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE WACHOVIA CORPORATION : MASTER FILE
ERISA LITIGATION : 08-cv-05320-NRB
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THIS DOCUMENT RELATES TO: :
All Actions :
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DECLARATION OF RONALD S. KRAVITZ

Ronald S. Kravitz, under penalty of perjury, declares:

1. I am an attorney at law, licensed to practice before all courts in the State of California and have filed an application to appear pro hac vice, which is now pending. I am a partner of Liner Yankelevitz Sunshine & Regenstreif LLP (the "Liner Firm"), counsel for Plaintiff Denise Tuttle. I make this declaration based on personal knowledge and if called as a witness, I could, and would, testify competently to the facts stated below.

2. I have been prosecuting and defending ERISA cases nationwide since 1993, and other attorneys at my firm have been doing so for even longer. My work at the Liner Firm has resulted in millions of dollars in recovery in high-profile ERISA class actions. For example, the Liner Firm was lead counsel in *Kolar v. Rite Aid Corp.*, No. 01-1229, (E.D. Pa.), which was an ERISA class action that settled for \$67 million. The Liner Firm was co-lead counsel in *In re Bristol Myers Squibb ERISA Litigation*, an ERISA class action that settled for \$41.2 million. At present, the Liner Firm is lead or co-lead counsel in the following ERISA class action cases: *Phones Plus v. The Hartford* (D. Conn.), *In re Radio Shack Corp. ERISA Litigation* (N.D. Tex.), and *Katziff v. Beverly, et al.* (D. Mass.). The Liner Firm is also counsel in the following ERISA

class actions: *Brockmeyer v. Countrywide Financial Corp., et al.* (C.D. Cal.), *Klingler v Beazer Homes USA Inc., et al.* (N.D. Ga.), *In re Fremont General Corp. Litig.* (C.D. Cal.), and *Rithianos v. National City Corp., et al.* (N.D. Ohio).

3. In 1999, before I joined the Liner firm, I filed the initial complaint in *In re McKesson HBOC Inc.*, No. C-00-20030 RMW (N.D. Cal.), a case that settled for approximately around \$37 million. This case was one of the first employee stock ERISA class action cases.

4. I have been a contributing author and/or Chapter Editor of the ABA Employee Benefits Law, a leading ERISA treatise. I have frequently lectured on ERISA and fiduciary duties, and have served on the Faculty of the American Bar Association's ERISA Litigation and Basics Seminars. A true and correct copy of my web bio is attached as Exhibit 1.

5. In addition to prosecuting ERISA cases, the Liner Firm and I have successfully defended ERISA class actions, including obtaining a defense judgment in an action where the plaintiffs sought over \$2 billion in damages. *See Summers v. State Street Bank*, 453 F.3d 404 (7th Cir. 2006).

6. Both the Liner and the Allegaert Firms are full-service law firms with capabilities and experience in a wide array of areas, including bankruptcy, tax, and transactional work, including extensive experience in defending, and doing corporate work for financial institutions, such as State Street Bank, Wells Fargo Bank, and Charles Schwab.

7. The Liner and Allegaert Firms are superior, in terms of size, to the firms for any of the other law firms seeking appointment as lead counsel.

8. The Allegaert Firm has substantial litigation experience in the Southern District of New York and around the country, including ERISA, banking and finance, and securities litigation in complex, multi-district and multi-party law suits, including class actions.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 19, 2008

San Francisco, California



Ronald S. Kravitz

**Ronald S. Kravitz**

rkravitz@linerlaw.com

DIRECT TEL : 415.489.7761

Ronald S. Kravitz is a partner in the San Francisco office of LYS&R. Ron began his legal career as an Attorney Advisor for the U.S. Department of Justice. With more than 20 years of experience as legal counsel in complex business litigation matters, his practice has been focused primarily on ERISA, employment, intellectual property, and securities-related matters since 1992. He has represented numerous fiduciaries, third-party plan administrators, broker-dealers, and registered representatives in connection with plan administration and investment matters. Ron has served as lead or co-lead class counsel in numerous ERISA class actions throughout the country.

Practice Areas

Complex Business Litigation, ERISA, IP, Securities

Notable Cases

Some of Ron's representative Class Action cases include:

- Summers v. State Street Bank & Trust Company
- Kolar v. Rite Aid Corporation
- Shipp v. NationsBank
- In re Bristol Myers Squibb ERISA Litigation
- In re McKesson HBOC, Inc. ERISA Litigation
- LaManna v. Steinberg
- Spann v. AOL Time Warner Inc.

Publications/Speaking Engagements

Ron has taught and lectured on the following topics:

- Speaker, American Association for Justice Annual Convention, "ERISA Fiduciary Litigation: Avoiding Ethical Conflicts, Arbitration, and Malpractice," 2007
- Speaker, IAG International General Assembly, "Claims by Foreign Plaintiffs in the United States," 2007 (Netherlands)
- Speaker, National Constitution Center Audio Conferences, "Minimizing ERISA Risk," 2007
- Speaker, Mid-Sized Pension Management Conference, "Potential Future Litigation and How to Protect Yourself Today," 2007
- Speaker, Western Pension & Benefits Conference, "401(k) Fee Litigation" and follow-up web seminar by demand, 2007
- Speaker, National Training Conference for the U.S. Administration on Aging's Pension Information and Counseling Program, "401k Plan Litigation," 2006

- Speaker, Strafford Publications, Inc. Teleconference, "Avoiding ERISA Liability Exposure," 2006
- Faculty, USF Trial Advocacy Clinic, 1996-2007
- Speaker, ABA ERISA BASICS Seminar, 2003-2007
- Speaker, ABA Employee Benefits Committee Midwinter Conference, 2003-2008
- Speaker, Joint Fall CLE Meeting of ABA Sections of Taxation and Real Property and Probate and Tax Law, Employee Benefits Roundtable, 2005
- Speaker, ABA ERISA Litigation Seminar, 2003-2004
- Speaker, Western Regional Plus Conference, "Fiduciary Liability: Current Events and Market Conditions Post-Enron," 2002
- Speaker, "La Class-Action: Un Modèle en Discussion en France," 2005 (France)
- Speaker, "Legal Impact of Y2K," 1999 (Israel)

Publications:

- Chapter Editor, Employee Benefits Law
- Note, Beyond Asylum and Withholding of Deportation: A Framework for Relief Under Geneva Convention IV of 1949, 2 Temple Inter'l & Comp. L.J. 263

In the Press:

- April 14, 2003, Los Angeles Journal, "Rite Aid Settles with Employees for \$67.7 Million"
- June 13, 2003, The Recorder, "A Matter of Trust"
- October 2003, AA Sky Radio, "ERISA Spotlight"
- July 2005, Les Nouvelles Publications Économiques et Juridiques, "La 'Class Action,' Pas Vraiment un Modèle pour les Français"
- 2005, Journal du Barreau de Marseille, "Conférence MABN/Barreau de Marseille sur les Class Actions"
- October 2, 2006, Pensions & Investments, "8 Big Companies Sued Over 401(k) Plan Fees"
- October 31, 2006, Compliance Week, "Lawsuits Hit Cos. For Poor 401(k) Oversight"

Education

Ron received his J.D. from Temple University School of Law in 1986 and his double B.S./ B.A. from Miami University in 1981. Ron also attended Universidad Nacional Autonoma de Mexico (Mexico), Summer 1984 and Miami University European Center (Luxembourg), Summer 1980.

Charitable Involvement

Advisory Council, SponsorKIDS

Professional Activities

Ron is a co-chair of the Civil Procedure sub-committee of the ABA Employee Benefits Committee and a chapter editor for the ABA publication Employee Benefits Law.

- Integrated Advisory Group (IAG), Committee Member
- American Bar Foundation Fellowship
- American Bar Association, Labor and Employment Law Section
- American Association for Justice, formerly American Trial Lawyers Association
- Anti-Defamation League, Regional Board Member
- Bar Association of San Francisco

- University of San Francisco Inn of Court Executive Committee

Admissions

All California, Pennsylvania, and Texas state courts; U.S. Supreme Court; U.S. Courts of Appeals for the Seventh Circuit, Ninth Circuit, and Eleventh Circuit; all U.S. District Courts in California; U.S. District Courts for the Eastern District of Pennsylvania, Eastern District of Michigan, Northern District of Texas, Northern District of Illinois, Northern District of Ohio and Middle District of Florida.

Awards

Ron was named to the *Super Lawyers'* list by Law & Politics in each of the last four years. He has also received awards such as: Wiley Manuel Pro Bono Award, 1990 -1993; Bar Association of San Francisco Outstanding Pro Bono Lawyer, 1990; Commendation of State Bar of California Board of Governors, 1989 - 1990; and Bar Association of San Francisco Volunteer of the Month, June 1989

Personal Background

Ron lives in Marin County with his wife, an artist from Avignon, France, and their two daughters. Ron is closely involved in his daughters' soccer leagues and also helps coach.

LOS ANGELES

1100 Glendon Avenue, 14th Floor Los Angeles, CA 90024-3503

Telephone: (310) 500-3500 Facsimile: (310) 500-3501

SAN FRANCISCO

199 Fremont Street, 20th Floor San Francisco, CA 94105-2255

Telephone: (415) 489-7751 Facsimile: (415) 489-7701